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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/942,901

Applicant(s)

WOLLRAB, LEE M.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

1. Claims 7, 27 recite "said event location information". There is insufficient antecedent basis for this limitation in the claim. Claim 1 claimed "location, and event information" on line 4-5. It refers to two different limitations – location information and event information. Claim 1 did not claim "event location information".
2. Claim 12 recites "said copies of said software". There is insufficient antecedent basis for this limitation in the claim.
3. Claim 13 recites "said wireless communication". There is insufficient antecedent basis for this limitation in the claim.
4. Claim 19 recites "the user" (line 6). There is insufficient antecedent basis for this limitation in the claim.

***Drawings***

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5. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 8, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "said electronic device" (lines 7, 13-14, 15, 16-17, 18) is not clearly defined. Claim 1 claimed "two hand portable electronic devices" (plural) on line 3. It is unclear the claimed "said electronic device" (singular) refers to which particular one among the devices.

7. Regarding claims 11, 12, 19, 43, the phrase "substantially identical" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "substantially"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

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Also, claim 12 recites “substantially identically said personal profile” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "substantially"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Also, claim 26 recites “substantially real time” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "substantially"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

8. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “said personal profile” (line 6) is not clearly defined. It is unclear the claimed “said personal profile” refers to “individual personal profile” (line 4 claim 11), or “collective personal profile” (line 4 claim 11), or “personal profile” (line 4 claim 1).

9. Claims 19, 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “said event calendar” (line 13) is not clearly defined. It is unclear the claimed “said event calendar” refers to “event” or “calendar” as claimed on line 1-2 of claim 19.

10. Claim 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “redundant identical copies of a software program” is not clearly defined.

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Various places in the current specification describe “a software” on an electronic device performs different functions (i.e., update profile, event, location information, etc.). The specification did not disclose the software among the two electronic devices are redundant identical. It is old and well known to one skilled in the art that two electronic devices as the Applicant claimed may have different software to perform the claimed limitations.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1, 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites “convert location information into coordinates of a graphic map display”. As disclosed on section [0036]

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of the specification - "translate GPS or other location coordinates into a visual map image". The GPS data are coordinates. Therefore, in view of GPS or other location coordinates, the received location information is the coordinates. The specification does not support the enablement of the claimed "convert location information into coordinates".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 6, 7, 11-13, 19-24, 26, 27, 34-40, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al (US: 6618593), and in view of Obradovich et al (US: 6542812), and further in view of Wallace et al (US: 6463272).

Regarding claims 1, 11, 12, 19-22, 36, 43, Drutman et al teach on items 17, 19 Fig. 1, column 6 line 26-27, column 4 line 5-8 two PDA or two cellular phones.

Drutman et al failed to teach "a display device operable to display personal profile, location, and event information". However, Obradovich et al teach on column 3 line 24-25 a hand-held device displays personal profile (Fig. 2), location (Fig. 11), and event (items 207, 209, 213 of Fig. 3).

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Drutman et al teach on column 9 line 27-28 the PDA stores profile data, on items 18, 20 Fig. 1 wireless communicates data.

Drutman et al teach on column 7 line 13-15 receives local data via handwriting tablet portion of a PDA or the keypad of a cell phone. Drutman et al also teach on items 18, 20 Fig. 1 receives wirelessly communicated remote input data.

Drutman et al teach on column 6 line 45-47 the GPS (claimed "location information") are continuously updated. Drutman et al teach on column 11 line 29-31 pre-arranged meeting time (reads on claimed "store, process, and update event and time"). The items 211, 212, 213 are the claimed "profile" and are stored, processed, and updated as the location data and receive/transmit data are changed.

Drutman et al failed to teach "convert location information into coordinates of a graphic map display". However, Wallace et al teach on column 4 line 28-30 a software in the memory converts the GPS coordinates into a map position.

Drutman et al teach on column 6 line 34 GPS data. It is inherent there must be at least one earth orbiting satellite device operable in cooperation with the PDA that receives the GPS receiver. Drutman et al teach on column 6 line 32-37 determine the location based on the received GPS coordinates data. Drutman et al teach on column 5 line 35 to column 9 line 64 the location data of items 17 and 19 of Fig. 1 are synchronized by broadcasting (transmitting) between the items 17, 19 and 25 (central server) and therefore the profile which includes event and time are updated .

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al to have the display device to display profile, location, and event information as



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taught by Obradovich et al such that the modified system of Drutman et al would be able to support the system user's convenience of displaying profile, location, and event. And, further to modify Drutman et al to have converting coordinates of location information into a map display as taught by Wallace et al such that the modified system of Drutman et al would be able to support system user accuracy at coordinates level of the displayed map.

Regarding claims 2, 4, 37, 39, Drutman et al teach on column 4 line 5-6 the mobile device is a cellular phone.

Regarding claims 3, 23, 38, Drutman et al teach on column 7 line 13-15 local input are input manually by keypad or handwriting tablet.

Regarding claim 6, Drutman et al teach on column 6 line 63-68 requests from other mobile communications devices.

Regarding claims 7, 27, 40, the modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach said event location information comprises instructions for traveling to the location of said event from the location of said hand portable electronic device. However, Obradovich et al teach on Fig. 9 turn-by-turn travel instruction

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It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the turn-by-turn travel instruction as taught by Obradovich et al such that the detail travel routes can be supported to the system users.

Regarding claim 13, Drutman et al teach on items 18, 20, and column 7 line 57-60 two way wireless communication between two PDA.

Regarding claim 24, Drutman et al teach on column 14 line 62 to column 15 line 13 two portable devices communicate by emails via internet.

Regarding claim 26, Drutman et al teach on column 6 line 38-41 GPS data are transmitted continuously (reads on claimed "real time").

Regarding claim 34, the modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 33 above failed to teach "an alarm.....electronic device". Drutman et al teach on column 14 line 51-61 an alarm indicating that the communication device is outside/inside of the designated range. The claimed "a location outside of a prescribed coordinate boundary" is a "decide choice".

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the alarm issued when the device is transported outside the prescribed boundary so that the user of the device knows he travels away from the target.

Regarding claim 35, Drutman et al teach on column 8 line 33-38 synchronization software for PDA or cell phone to perform data transmission that is same as disclosed by the current specification. The synchronization software is the claimed "redundant identical software.

13. Claims 5, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al, and further in view of Dinkins (US: 5854793).

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach synchronization messages are broadcast at regular intervals. However, Dinkins teach on column 5 line 51-53 two way communications between PDAs are broadcasted and synchronized at regular intervals (see Fig. 3).

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the synchronized messages being broadcasted at regular intervals as taught by Dinkins such that the consistent information update can be supported to the system users.

14. Claims 8, 28, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al, and further in view of Mohi (US: 2002/0006800).

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The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach software program is further operable to store, process, and display at said display device a graphic map representing sequentially historical locations of said hand portable electronic device. However, Mohi teaches on sections [0004] and [0005] a cellular phone with GPS displays historical trail positions.

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the display of historical locations as taught by Mohi such that the historical trail positions can be reviewed by the system users.

15. Claims 9, 30, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al, and further in view of Diacakis et al (US: 2002/0116336).

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach software program is further operable to store, process, update, and display personal contact information. However, Diacakis et al teach on section [0024] PDA displays personal contact information (see Fig. 8).

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the display of personal contact information as taught by Diacakis such that the contact information can be easily retrieved by the system users.

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16. Claims 10, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al, and further in view of Herle et al (US: 2003/0035544).

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach said wirelessly communicated data are encrypted.

However, Herle et al teach on section [0027] and [0049] PDA transmits encrypted location data.

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the encrypted location data as taught by Herle et al such that the location data can be securely transmitted by the system users.

17. Claims 14, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al, and further in view of Curcio (US: 6414629).

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 12 above failed to teach said software program is further operable to store, process, and display at said display device a graphic map representing relative locations of each of said plurality of said hand portable electronic devices. However, Curcio teaches on Fig. 3, Fig. 4, and column 6 line 17-40 a graphic display of relative locations.

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the relative locations display as taught by Curcio such that the user can maintain a graphical view of relative positions among the PDAs.

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18. Claims 15, 16, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al.

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 12 above failed to teach said software program is further operable to issue and communicate alerts, alarms, and notifications to other said hand portable electronic devices within said plurality of said hand portable electronic devices. However, "Official Notice" is taken that sending alerts, alarms, and notifications from one portable device to another portable device is old and well known to one skilled in the art. The "change of plans" is a content of either an alert, or an alarm, or a notification and, therefore, is a "decide choice".

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the sending alerts, alarms, and notifications from one portable device to another such that the user can conveniently send different messages (notification or warning) among the portable devices.

19. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al, and further in view of Demartines et al (US: 6661409).

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach means for processing comprise a microcomputer. However, Demartines et al teach on column 1 line 23-26 a PDA is a microcomputer.

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have the microcomputer as taught by Demartines et al such that the portable device can process various functions.

20. Claims 18, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drutman et al, and in view of Obradovich et al, and further in view of Wallace et al.

The modified system of Drutman et al in view of Obradovich et al and Wallace et al as stated in claim 1 above failed to teach means for storing are selected from the group consisting of RAM memory, flash EPROM memory, and non-volatile digital memory. However, "Official Notice" is taken that either RAM memory, or flash EPROM memory, or non-volatile digital memory is a means for data storage is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Drutman et al, Obradovich et al, Wallace et al to have either RAM memory, or flash EPROM memory, or non-volatile digital memory as a means for storage such that the portable device can store the data and information as required.

### ***Conclusion***

21. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

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- Mohi (US: 2002/0006800) teaches locating system and method.

22. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



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